IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

Bail Appl..No. 641 of 2007()

(AGAINST CRIME NO.30/2007 REGISTERED BY THE ETTUMANOOR POLICE STATION.)

PETITIONER

K.S.JAYAPRAKASH,
SHEEBA SADANAM, NEENDUR P.O., KOTTAYAM.

BY ADV. SRI.C.S.SUNIL

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE
SRI.R.SREEHARI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/02/2007, ALONG WITH BA NO. 698 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos. 641 A and 698 B OF 2007

Dated this the 9th day of February, 2007

O R D E R

The applicant in B.A. No.641/2007 is the first accused and the applicants in B.A. No.698/2007 are accused Nos.2 to 4 in Crime No.30/2007 of Ettumanoor Police Station registered for an offence punishable under section 498A read with section 34 IPC. The first accused is the husband of the de facto complainant, whom he had married her on 26.1.1978, that is, about 29 years ago. According to the de facto complainant, her husband is having an illicit relationship with the second accused, who is also a married woman having her husband and children and the first accused wanted to transfer the properties standing in the names of the de facto complainant and the first accused to his paramour, which was resisted by the de facto complainant. Accordingly, on 16.1.2007 at about 2.30 a.m. accused Nos.1 to 4 are alleged to have been trespassed into the house and assaulted the de facto complainant with a view to force her to sign papers.

2. The learned Public Prosecutor as well as the counsel for the petitioners and counsel appearing for the de facto complainant/intervenor opposed the application.

3. It is too early to accept the petitioners' contention that the petitioners have been falsely implicated by the de facto complainant. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

These bail applications are disposed of as above.

(V. RAMKUMAR, JUDGE)

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